

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EASTERN SAVINGS BANK, FSB,

Plaintiff,

-against-

ORDER

11 CV 2571 (DRH) (ARL)

KHAIMWATTI SANDRA LUTCHMIDAT, et al.,

Defendants.

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HURLEY, Senior District Judge:

Eastern Savings Bank (“plaintiff”) commenced this foreclosure action against defendants Khaimwatti Sandra Lutchmidat (“Lutchmidat”), North Shore University Hospital, Winthrop University Hospital, Slomins Inc., Capital One Bank USA NA, and John Does #1 through #12¹ pursuant to New York Real Property Actions and Proceedings Law (“RPAPL”) § 1301 *et seq.*, seeking to foreclose on a mortgage encumbering certain real property. On January 9, 2013, the Court granted summary judgment against Lutchmidat. On March 29, 2013 the Court issued a Judgment of Foreclosure and Sale ordering the sale of the mortgaged property. Pursuant to this Judgment, the mortgaged property was sold at public auction to plaintiff for \$100.00. Plaintiff now seeks to confirm the referee’s report of the sale and to obtain a deficiency judgment against Lutchmidat. (Report and Recommendation at 3.)

On May 2, 2014, the Court referred the plaintiff’s motion for an order confirming the referee’s report of sale and for a deficiency judgment to Magistrate Judge Arlene R. Lindsay. On November 21, 2014, Judge Lindsay issued a Report and Recommendation recommending that plaintiff’s “application be granted in its entirety and Plaintiff be awarded a deficiency judgment

¹ Lutchmidat was the only defendant to appear in the action, and a certificate of default

in the amount of \$954,860.69.” (Report and Recommendation at 5-6.) At this time, no party has filed any objections to the Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts Judge Lindsay’s November 21, 2014 Report and Recommendation as set forth therein. Accordingly, the Court confirms the referee’s report and awards plaintiff \$954,860.69 as a deficiency judgment.

SO ORDERED.

Dated: Central Islip, New York
March 10, 2015

/s/
Denis R. Hurley
United States District Judge

was entered as to each of the others.